

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 514I.5, the Department of Human Services amends Chapter 86, “Healthy and Well Kids in Iowa (HAWK-I) Program,” Iowa Administrative Code.

These amendments:

- Exempt both federal and state earned income tax credit payments from consideration as income in determining eligibility for the HAWK-I Program. This exemption is consistent with the policy in other Department assistance programs. This change was also Adopted and Filed Emergency and was published in the Iowa Administrative Bulletin on May 7, 2008, as **ARC 6751B**.

- Exempt earnings from temporary employment with the U.S. Bureau of the Census from consideration as income. This policy is authorized and encouraged by the Centers for Medicare and Medicaid Services. Preliminary activities related to the 2010 Census have begun in some states.

- Clarify that the effective date of coverage for a child who has been denied Medicaid eligibility is the first day of the month after the month when the Department received the Medicaid application unless the child has health insurance on that date. If so, coverage will be effective on the first day of the month after the child loses health insurance coverage.

- Define the first day of the ten days allowed for an enrollee to report changes that may affect eligibility as the first working day after the change takes place, instead of the day the change occurred. This change will allow enrollees more time to report and will be consistent with other policies that define a period for action.

- Clarify the effective date of a positive or negative change in eligibility or benefits resulting from a report of a change in family circumstances, depending on whether the change in circumstances is reported timely.

- Make other technical changes to make the rules more precise and easier to understand.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on May 7, 2008, as **ARC 6772B**. The Department received no comments on the Notice of Intended Action.

The Department has made one change to the amendments as published under Notice of Intended Action to clarify the time limit for an eligibility decision when an application has been referred to Medicaid, denied for Medicaid, and referred back to the third-party administrator. Current language unintentionally requires the determination to be made within ten calendar days of the date on the Medicaid notice of ineligibility, regardless of when the third-party administrator receives it. The language of paragraph 86.3(8)“a” is modified to read as follows:

“a. EXCEPTION: When the application is referred for a Medicaid eligibility determination and Medicaid eligibility is denied, the third-party administrator shall determine HAWK-I eligibility no later than ten working days from the date the administrator receives the notice of Medicaid denial unless additional verification is needed.”

The HAWK-I Board adopted these amendments on June 16, 2008.

These amendments are intended to implement Iowa Code chapter 514I.

These amendments shall become effective September 1, 2008, at which time the Adopted and Filed Emergency amendment is rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [86.1 to 86.3, 86.5(2), 86.10] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 6772B**, IAB 5/7/08.

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[For replacement pages for IAC, see IAC Supplement 7/16/08.]